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Statement submitted by Human Rights Advocates, a non-governmental organization in consultative status with the Economic and Social Council*

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

* The present statement is issued without formal editing.

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Statement

Women's Labour Equality

I. Introduction

Human Rights Advocates commends the Commission on the Status of Women's focus on women's labour rights, and urges the Commission to expand on women's labour rights and address gender wage disparity. While country reports and limited comparative studies are available, additional evidence needs to be gathered to adequately approach wage disparity. There is a need to conduct a global survey on wage equality to determine the scope of the issue. This survey would also consider support before and after childbirth, which has immense impact on women's career. Although the research on gender pay equality is limited, the existing data shows an undeniable gap in wages and opportunities between men and women in the workplace. These disparities are a global issue affecting women in every region of the world. This statement will address gender wage disparity and give global country examples.

II. Equal Remuneration for Work of Equal Value

Women's right to equal pay for equal work exists in a variety of human rights instruments, including the following.

Article 23 of The Universal Declaration of Human Rights acknowledges everyone's right to work, to free choice of employment, to just and favourable conditions of work and to protection against discrimination. More specifically, Article 23 (2) specifically acknowledges the right of everyone, without any discrimination, to equal pay for equal work. Article 25 recognizes that motherhood and childhood are "entitled to special care and assistance".

Article 11 (1) (d) of Convention on the Elimination of Discrimination against Women states "[t]he right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work".

The Committee on the Elimination of Discrimination against Women ("the Committee") addressed the issue of unequal remuneration for work of equal value in its General Recommendation No. 13 (1989). In that General Recommendation, the Committee recommends States Parties to Convention to "support, as far as practicable, the creation implementation machinery and encourage the efforts of the parties to collective agreements, where they apply, to ensure the application of the principle of equal remuneration for work of equal value".

Article 10 of the International Covenant on Economic, Social and Cultural Rights ensures the right to paid leave or leave with benefits for childcare.

III. Examples of Gender Wage Inequality

In this section several country examples are presented to demonstrate the breadth of the wage disparity issue. Countries from each global region are provided as examples below, with focus on the Committee's Concluding Observations.

1. European Countries

In its Concluding Observations (CEDAW/C/FRA/CO/7-8, July 25, 2016), the Committee acknowledged France's lack of wage equality and recognized France's persistent wage gap in both public and private sectors (para. 34 (b)). The Committee further recognized the continuing horizontal and vertical occupational segregation as well as the concentration of women in part-time and low-paid jobs (para. 34 (a)). Another issue the Committee addressed is the rarity of men taking paternal leave. (para. 34 (c)). If men share more of the responsibility pre and post birth, the mother's may be relieved of some of the financial strain and ability to work.

France is just one of numerous countries with wage disparity in the EU. Estonia is the European country with the highest gender pay gap, with a difference of nearly 30%. (Emma Luxton, Which European countries have the biggest gender pay gaps? World Economic Forum, Dec. 18, 2015.) France's wage gap is approximately 15%. The smallest gap among EU countries is Slovenia, at 3.2%.

Most European countries have significant maternity support. For example, the EU requires employers to offer a minimum paid leave of 14 weeks. Many of the countries offer substantially support such as the UK which offers 39 weeks of partially paid leave, and an optional extension to 52 weeks, the latter part unpaid. However, many countries do not offer full wage compensation, which may put a heavy financial strain on new families, and paid paternity leave barely exists. Finland grants the most generous paternity leave, offering 45 days off at varying pay based on time and salary. Sweden and the UK offer partially-paid leave for 10 days. (Jeanine Sahadi, It's good to be a working parent in Europe, CNN Money, 2016.)

Many European countries are excellent examples of what countries should strive to do in the decades-old fight for gender equality in the workplace. By offering parental paid leave, new mothers receive significant support that will safeguard a family's financial stability.

2. Russia

The Committee called upon Russia "to narrow and close the gender wage gap and eliminate gender segregation in the labour market" (CEDAW/C/RUS/CO/8, Nov. 20, 2015, para. 34 (d)). However, the Committee acknowledged Russia's legislative reforms, including assistance to women during pregnancy and maternity leave.

3. Vietnam

The Committee recommended that Viet Nam reduce the wage gap by addressing the occupational segregation of women in the public and private sectors as well as promoting women's access to higher-paid jobs and decision-making

positions (CEDAW/C/VNM/CO/7-8, July 29, 2015 para. 29 (a)). The Committee also addressed its concern with the discriminatory practices against women employers based on pregnancy and maternity (para. 28 (d)).

4. Madagascar

The Committee acknowledged its concern with discrimination against pregnant women and their high rate of unemployment. The Committee also addressed its concern with the vertical and horizontal segregation in the labour market and lack of legislation promoting equal pay. Wage gaps exist in both the private and public sectors (CEDAW/C/MDG/CO/6-7, Nov. 24, 2015). The Committee recommended that Madagascar take measures to close the gender wage gap (para. 31 (c)).

5. Venezuela

The Committee welcomed Venezuela's adoption of the Labour Act. However, it addressed its concern about inadequate protection of domestic workers' rights generally as well as the vertical and horizontal gender segregation in the labour market: a high rate of unemployment among women of reproductive age, women who are employed are paid significantly less than men, and are employed in informal sectors. The Committee also expressed concern with the restrictive definition of sexual harassment in the workplace (CEDAW/C/VEN/CO.7-8, para. 28, Nov. 14, 2014).

6. North America

In 2015, women working full-time in the United States are paid 80% of what men are paid. On average, women earned less than men in nearly every occupation for which there is sufficient data to adequately calculate an earnings ratio between men and women. (Pay Equity & Discrimination: About Pay Equity & Discrimination, Institute for Women's Policy Research, accessed September 30, 2016.)

The U.S. is one of the only countries in the world that does not mandate paid maternity leave for new mothers. The only support new mothers receive is through the Family Medical Leave Act, which requires employers to provide up to 12 weeks of unpaid leave after the birth of a baby. This is inadequate and does not apply to employers with fewer than 50 employees. The lack of financial postpartum support puts strain on women already suffering from wage disparity. Pregnancy and early maternity support should be required in all countries to enable women around the world to reach equality. (Angie Mohr, Maternity leave basics: Canada vs. the U.S., The Globe and Mail, June 18, 2012.)

Alternatively, Canada requires paid leave as well as a benefits component administered by provincial employment insurance plans. These plans provide paid leave for one or both parents through Canada's employment insurance plan, and parents can share the leave however they choose. The Canadian plan allows both mothers and fathers to share the responsibility of child rearing and employment.

IV. Conclusion

Wage disparity is a global issue that not only goes further than the discrepancy in the pay check alone, but also can include a lack of benefits and opportunities for women. This disparity can be overcome by persistence, research and legislative change. Human Rights Advocates recommends that the Committee conduct a survey on wage disparity as a preliminary step in addressing the issue of global discrimination of women in the workplace. This survey should include gender wage statistics in varying employment areas and required benefit and support programmes available to new families. It is time to take a global approach since this is a problem that protrudes all cultures and regions around the world.

Human Rights Advocates urges the Commission on the Status of Women to:

1. Approach the appropriate United Nations bodies to conduct a global survey of gender wage disparity.

2. Urge States to enact programmes that promote overall wage equality, maternity leave, and pregnancy support.